

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE: _____
JAMES DAVID GOODSON and _____
JUDITH ELAINE GOODSON, _____
2906 McLemore Circle _____
Franklin, TN 37064 _____
SSN: XXX-XX-7999 SSN: XXX-XX-2650 _____
Debtor(s). _____

)
Bk. No. **10-03861-GP3-13**
Chapter 13
Judge Paine

THE DEADLINE FOR FILING A TIMELY RESPONSE IS: July 29, 2010

IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: August 16, 2010 at 8:30 a.m. in Courtroom 1, 2nd Floor Customs House, 701 Broadway, Nashville, Tennessee 37203

NOTICE OF TRUSTEE'S MOTION TO MODIFY PLAN TO PAY WILLIAMSON COUNTY TRUSTEE AS PRIORITY CREDITOR

Henry E. Hildebrand, III, Standing Trustee for Chapter 13 matters in the Middle District of Tennessee, has asked the Court for the following relief: **Trustee's Motion to Modify Plan to Pay Williamson County Trustee as Priority Creditor.**

YOUR RIGHTS MAY BE AFFECTED. If you do not want the Court to grant the attached motion, or if you want the Court to consider your views on the motion, then on or before **July 29, 2010**, you or your attorney must:

1. File with the Court your response or objection explaining your position. **PLEASE NOTE: THE BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE REQUIRES ELECTRONIC FILING. ANY RESPONSE OR OBJECTION YOU WISH TO FILE MUST BE SUBMITTED ELECTRONICALLY. TO FILE ELECTRONICALLY, YOU OR YOUR ATTORNEY MUST GO TO THE COURT WEBSITE AND FOLLOW THE INSTRUCTIONS AT: <<https://ecf.tnmb.uscourts.gov>>.**

2. **Your response must state that the deadline for filing responses is July 29, 2010, the date of the scheduled hearing is August 16, 2010, and the motion to which you are responding is the Trustee's Motion to Modify Plan to Pay Williamson County Trustee as Priority Creditor.**

3. You must serve your response or objection **by electronic service through the Electronic Filing System** described above. You must also mail a copy of your response or objection to: Henry E. Hildebrand, III, Chapter 13 Trustee, P. O. Box 190664, Nashville, TN 37219;

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's office at 615-736-5584 or viewing the case on the Court's web side at <www.tnmb.uscourts.gov>.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: July 1, 2010

/s/ **HENRY E. HILDEBRAND, III**

Henry E. Hildebrand, III
Chapter 13 Trustee
P. O. Box 190664
Nashville, TN 37219-0664
615-244-1101; Fax 615-242-3241
www.ch13nsh.com
pleadings@ch13nsh.com

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TRUSTEE'S MOTION TO MODIFY PLAN TO PAY WILLIAMSON
COUNTY TRUSTEE AS PRIORITY CREDITOR

Henry E. Hildebrand, III, Standing Trustee for Chapter 13 matters in the Middle District of Tennessee, respectfully moves this Court to modify the plan confirmed in the above case so as to treat the claim of Williamson County Trustee as a priority creditor.

The debtors filed a voluntary petition under Chapter 13 of Title 11 U.S.C. on April 9, 2010.

The debtors did not schedule an obligation or liability to the Williamson County Trustee.

This Court confirmed the debtors' plan on May 27, 2010 and the plan makes no provision for a property tax claim by the Williamson County Trustee.

Subsequent to confirmation, on June 7, 2010, the Williamson County Trustee filed a claim in the amount of \$3,663. This claim was asserted to both be a secured claim and a priority claim. In order to qualify as a priority claim, the claim must be unsecured and held by a governmental entity. Since these two provisions appear to be inconsistent (a priority claim cannot be a secured claim) the Trustee interprets the claim to be asserting a priority claim and, accordingly, requests this Court modify the debtors' confirmed plan so as to treat the claim as a priority claim to be paid in full prior to the distributions to unsecured creditors.

WHEREFORE, THE PREMISES CONSIDERED, the Trustee requests this Court modify the plan confirmed in the above case so as to treat the claim of the Williamson County Trustee as a priority claim to receive distributions sufficient to pay the claim in full prior to unsecured creditors.

Respectfully submitted,

/s/ Henry E. Hildebrand, III

Henry E. Hildebrand, III
Chapter 13 Trustee
P. O. Box 190664
Nashville, TN 37219-0664
615-244-1101; Fax 615-242-3241
www.ch13nsh.com
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and exact copy of the foregoing has been forwarded to Mr. and Mrs. James D. Goodson, 2906 McLemore Circle, Franklin, TN 37064; Mr. Perry R. Happell, 101 Lea Avenue, Nashville, TN 37210; Williamson County Trustee, P. O. Box 648, Franklin, TN 37065; and Ms. Beth R. Derrick, Assistant U. S. Trustee, 318 Customs House, 701 Broadway, Nashville, TN 37103, by U. S. Mail, postage prepaid (or otherwise dependably delivered including Electronic Case Noticing) this 1st day of July, 2010.

/S/ HENRY E. HILDEBRAND, III

Henry E. Hildebrand, III
Chapter 13 Trustee

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ORDER MODIFYING PLAN TO TREAT WILLIAMSON
COUNTY TRUSTEE AS PRIORITY CREDITOR

It appearing to the Court, based upon the certification of the Trustee as indicated by his electronic signature below, that the Trustee has filed an Application to Modify the plan confirmed in the above case so as to treat the claim of the Williamson County Trustee as a priority claim and that, pursuant to Rule 9013-1 of the Local Rules of the Bankruptcy Court for the Middle District of Tennessee has forwarded a copy of that application along with notice and an opportunity to be heard to the debtor(s), debtor's counsel, the creditor, and the Assistant U. S. Trustee and that no affected party in interest has objected to or requested a hearing on the Trustee's application, it is

ORDERED, that the plan confirmed in the above styled case is modified so as to treat the claim of the Williamson County Trustee as a priority claim to receive distributions sufficient to pay the claim in full prior to unsecured creditors.

THIS ORDER WAS SIGNED AND ENTERED
ELECTRONICALLY AS INDICATED AT THE
TOP OF THE FIRST PAGE.

APPROVED BY:

Henry E. Hildebrand, III
Chapter 13 Trustee
P. O. Box 190664
Nashville, TN 37219-0664
615-244-1101; Fax 615-242-3241
www.ch13nsh.com
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